

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

RAVEENDRAN NARAYANAN,

22-cv-855 (JGK)

Plaintiff,

ORDER

- against -

MERRICK B. GARLAND, UNITED STATES
ATTORNEY GENERAL, ET AL.,

Defendants.

JOHN G. KOELTL, District Judge:

This action is transferred to the Eastern District of New York pursuant to 28 U.S.C. §§ 1406(a) and 1404(a).

In his complaint, the plaintiff, a resident of Queens, New York, in the Eastern District of New York, complains about the denial of Social Security benefits, but a claim for the denial of Social Security benefits can be brought only against the Commissioner of Social Security, and only in the District in which the claimant resides, hence in the Eastern District of New York. See 42 U.S.C. § 405(g); 20 C.F.R. § 422.210(b), (d); see also Langella v. Bush, No 03-cv-5114, 2004 WL 2668400, at *4 (S.D.N.Y. Nov. 22, 2004), aff'd, 161 F. App'x 140 (2d Cir. 2005). The federal defendants have appropriately moved to transfer the claims relating to the denial of Social Security benefits to the Eastern District of New York. While the federal

defendants also move to dismiss certain claims, that motion to dismiss should be heard in the Eastern District of New York.

The plaintiff has also asserted additional claims arising out of an assault that he experienced in 1998 at a shelter in Brooklyn, New York, and his subsequent treatment including by a doctor in Brooklyn, New York, all in the Eastern District of New York. The Attorney General of the State of New York and the Corporation Counsel of the City of New York have brought motions

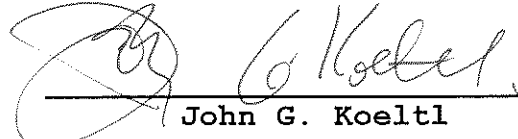
to dismiss and the plaintiff has brought a motion for summary judgment. For the convenience of the parties and witnesses and in the interest of justice, these claims, along with any claims for Social Security benefits, should be transferred to the Eastern District of New York, where the events occurred and where the claims, if any, arose. See 28 U.S.C. § 1404(a); D.H. Blair & Co. v. Gottdiener, 462 F.3d 95, 106 (2d Cir. 2006)

("District courts have broad discretion in making determinations of convenience under Section 1404(a) and notions of convenience and fairness are considered on a case-by-case basis."); Arafa v. New York, No. 22-cv-6108, 2022 WL 3220489, at *2 (S.D.N.Y. July 22, 2022). The Eastern District of New York will be the appropriate forum to decide all pending motions.

The Clerk is directed to transfer this action to the Eastern District of New York and to close the action on the docket of this Court.

SO ORDERED.

Dated: New York, New York
September 15, 2022



John G. Koeltl
United States District Judge